

SERVICE DATE – AUGUST 15, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 450X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN CLAY COUNTY, MO

Decided: August 15, 2008

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.06-mile line of railroad between milepost 199.07 and milepost 200.13, in Kearney, in Clay County, MO. Notice of the exemption was served and published in the Federal Register on August 15, 2007 (72 FR 45865). The exemption became effective on September 14, 2007. In the August 15, 2007 notice, the Board stated that, if consummation has not been effected by BNSF's filing of a notice of consummation by August 15, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.¹

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On August 13, 2008, BNSF filed a request to extend, until August 14, 2009, the time to consummate the abandonment. In support, BNSF states that it has encountered difficulties with salvaging the line. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before August 14, 2009.

¹ By decision served on September 13, 2007, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to one environmental condition, and a historic preservation condition. Subsequently, by decision served on February 15, 2008, the proceeding was again reopened, to remove the two conditions imposed in the September 2007 decision.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary